

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

IN RE:
STEVE FERNANDEZ,
Debtor(s)

No. 10-14883-j7

TRUSTEE'S MOTION TO DISMISS

COMES NOW Philip J. Montoya, Trustee in Bankruptcy for the above captioned debtor(s), and hereby moves this Court to dismiss the within case, and as grounds therefore, states:

1. Debtor'(s) original §341 meeting was set for November 1, 2010 and adjourned to November 15, 2010 at 11:00am. The Debtor failed to appear for the November 15, 2010 11:00am meeting.

2. This motion is based upon the Debtor(s) causing unreasonable delay in the case prejudicial to creditors by failing to the following of which the Trustee asks the Court to take judicial notice:

- ☒ Failure of Debtor to appear under 11 U.S.C. §341(a) on 11/15/10;
- ☐ Failure to appear under 11 U.S.C. §341(a) on _____;
- ☐ Failure to produce proof of identification and/or social security number;
- ☒ Failure to provide tax returns and payment advices, per §521(e)(2);
- ☐ Failure to file:

- ☐ Schedules.
- ☐ Statement of Financial Affairs.
- ☐ Statement of Intentions under 11 U.S.C. §521.
- ☐ Statement of Current Monthly Income and Means Test Calculation.
- ☐ Certification of Credit Counseling.
- ☐ Non-Filing Spouse requirements.
- ☐ Other.

WHEREFORE, for the above reason(s), the Chapter 7 Trustee respectfully requests that this Court dismiss this case, and grant such other and further relief as the Court may deem appropriate in the circumstances.

Respectfully submitted,
Filed electronically
Philip J. Montoya
Chapter 7 Trustee
PO Box 159
Albuquerque, NM 87103
(505) 244-1152

I certify that I shall mail a copy of this motion to counsel for debtor(s) or debtor(s), pro se, within one (1) business day.

Filed Electronically
Philip J. Montoya